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OLC 78-2002/5

MR.

30 June 1978

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MEMORANDUM FOR: Office of General Counsel
Deputy Director for Administration

FROM:
Chief, Legislation Staff, OLC

SUBJECT: Floor Amendment to the Department of State Authorization Act

1. The Senate passed the Department of State Authorization Act for FY 79 on Wednesday, 28 June. Senator McGovern proposed a number of amendments including one that would in effect require Federal agencies and departments with information within the jurisdiction of the Foreign Relations and International Relations Committees to provide that information regardless of the third agency rule; this amendment was adopted. The specific provision in the basic Department of State enabling legislation so amended would read as follows (new language underlined):

"SEC. 15 (b). The Department of State shall keep the [Foreign Relations and International Relations Committees] ... fully and currently informed with respect to all activities and responsibilities within the jurisdiction of their Committees. Any Federal department, agency, or independent establishment shall furnish any information (notwithstanding the department, agency, or independent establishment of origin) requested by either such Committee relating to any such activities or responsibilities."

2. In earlier hearings on this legislation, Senator McGovern had indicated an interest in the third agency rule and his unprinted floor amendment appears to reflect an effort to nullify this effect insofar as providing information to these particular Committees. The question is-- what affect, if any, would this have on CIA information being held by other agencies and departments over which these Committees of the Congress have jurisdiction and could therefore request information?

3. The legislation now goes to conference, probably shortly after the Congress reconvenes on 10 July. If it is determined that this McGovern amendment would cause us problems, we will have to address it at the conference. Please let me have any thoughts you might have on this matter by Thursday, 6 July.

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